



FFW
AFS 207,697

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ROSS, Bruce William
 10 589 704
SERIAL NO. : Not Yet Assigned

FILED : August 15, 2006

EXAMINER : Not Yet Assigned

ART UNIT : Not Yet Assigned

FOR : PHYSICAL TRAINING APPARATUS

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Name:	J. David Dainow
Signature:	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the above-identified application, we now submit an Information Disclosure Statement along with the following:

1. Transmittal Letter (1 page)
2. Information Disclosure Statement and Form PTO/SB/08A (7 pages)
3. Copies of foreign patents cited (115 pgs)
4. Postcard (1 sheet)

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB

J. David Dainow
Attorney for Applicant
Registration No. 22,959

This Information Disclosure Statement (hereinafter sometimes referred to as "IDS") is submitted in accordance with 37 C.F.R. §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 C.F.R. §1.97, as it is filed:

☒ A. within three months of the filing date of the above-identified national application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in the above-identified international application.

☐ B. before the mailing date of a first office action on the merits.

☐ C. after the times set forth in (A) and (B) above, but before the mailing date of either
a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below (see box "i") or the necessary fee is enclosed (see box "ii" below).

(check one of the boxes opposite "i" or "ii" below)

☐ i. (check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

☐ ii. A check for the fee set forth in 37 C.F.R. §1.17(p), presently believed to be \$180.00, is enclosed.

☐ D. after the times set forth in (A), (B), and (C) above, but before payment of the issue fee, since Applicant petitions for the consideration of this Information Disclosure Statement by a petition enclosed herewith pursuant to 37 C.F.R. §1.97(d)(2), a check for the petition fee set forth in 37 C.F.R. §1.17(i), presently believed to be \$ 130.00, is enclosed, and the necessary statement pursuant to 37 C.F.R. §1.97(e) appears below:

(check the applicable statement)

☐ I, the undersigned, hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I, the undersigned, hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

2. In accordance with 37 C.F.R. §1.98(a)(1), this IDS includes a list on form PTO-1449 of all patents, publications, or other information submitted for consideration by the Office, incorporated into this IDS as an attachment hereto. Pursuant to 37 C.F.R. §1.98(b): (i) each U.S. patent listed is identified by patentee, patent number, and issue date; (ii) each foreign patent or published foreign patent application is identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application; and (iii) each publication is identified by author (if any), title, relevant pages of the publication, date, and place of publication. A legible copy of each document listed is attached and incorporated into this IDS, except that no copy of any U.S. patent application is included pursuant to 37 C.F.R. §1.98(a)(2)(iii) and except as explained below.

(check the boxes opposite A and/or B and fill in blanks, if appropriate)

☐ A. Document(s) _____ is (are) substantively cumulative to document(s) _____, and, in accordance with 37 C.F.R. §1.98(c), only a copy of each of the latter document(s) is (are) attached.

☐ B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon for an earlier filing date under 35 U.S.C. §120:

[insert serial numbers and filing dates of prior applications]

These documents are identified by attaching hereto copies of the forms PTO-892 and/or PTO-1449 from the files of the prior application(s) and Applicant requests that they be considered and made of record in this application in accordance with 37 C.F.R. §1.98(d). Pursuant to 37 C.F.R. §1.98(d), copies of these documents need not be provided with this IDS.

(check paragraphs 3 and/or 4, if applicable)

[X] 3. French Patent No. FR 2,739,569 and New Zealand Patent No. NZ506,547 are not in the English language. In accordance with 37 C.F.R. §§1.98(a)(3),1.98(c), it is stated that:

[X] English-language abstracts of the above-named documents are enclosed.

[] English translation(s) of the document(s) _____ (or of the pertinent portions thereof) is (are) enclosed and, thus no concise explanation of their relevance is required, (see M.P.E.P., §609, p. 600-92).

[] English-language equivalent(s) of the document(s) _____ (or of the pertinent portions thereof) which is (are) in fact translation(s) of the document(s) is (are) enclosed.

[] The attached English-language version of a search report or other action by a foreign patent office in a counterpart foreign application _____ which cites document(s) _____ and which indicates the degree of relevance found by the foreign office is submitted to satisfy the requirement for a concise explanation of the relevance of the document(s), (see M.P.E.P., §609, p.600-93).

[] A concise explanation of the relevance of document(s) _____ is set forth as follows:

[insert concise explanation of relevance]

[] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

[] A concise explanation of the relevance of document(s) _____ can be found on the attached sheet.

[X] 4. Other information being provided for the Examiner's consideration follows:

[X] Copies of the International Search Report mailed 12 May 2005 by the Australian Patent Office are submitted with this Information Disclosure Statement.

5. In accordance with 37 C.F.R. §§1.97(g), 1.97(h), the filing of this IDS shall not be construed as a representation that a search has been made or as an admission that information cited in this IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

6. Please charge any deficiency or other fees or credit any refund or overpayment to Deposit Account No. 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB

A handwritten signature in black ink, appearing to read "J. David Dainow", written over a horizontal line.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10589704
Filing Date	08/15/2006
First Named Inventor	ROSS, Bruce Willam
Art Unit	N/A
Examiner Name	N/A
Attorney Docket Number	207,697

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,844,459	07/04/1998	Francis et al.	
		US- 6,612,971	09/02/2003	Phillip E. Morris	
		US- 4,573,680	03/04/1986	James C. McNally	
		US- 3,942,796	03/09/1976	Ronald S. Bowen	
		US- 4,598,341	07/01/1986	Brackhahn, et al.	
		US- 3,897,060	07/29/1975	Jennings, Ralph E.	
		US- 4,477,976	10/23/1984	Sigeru Suzuki	
		US- 3,873,089	03/25/1975	Donald G. Krug	
		US- 6,086,517	07/11/2000	Darrell W. Schapmire	
		US- 3,674,265	07/04/1972	Sheets et al.	
		US- 6,216,535	04/17/2001	Darrell W. Schapmire	
		US- 3,329,428	07/04/1967	J.A. Moran	
		US- 4,451,037	05/29/1984	Thomas J. O'Hare	
		US-			
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FOREIGN PATENT DOCUMENTS

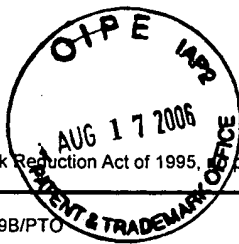
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 01/19467	03/22/2001			
		GB 2,239,182	06/26/1991			
		GB 2,276,091	09/21/1994			
		GB 2,287,411	09/20/1995			
		GB 2,155,793	10/02/1985			

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number

10 589 704

Filing Date

08/15/2006

First Named Inventor

ROSS, Bruce Willam

Art Unit

N/A

Examiner Name

N/A

Attorney Docket Number

207,697

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		GB 2,052,272 Publication Date: 01/28/1981 FR 2,739,569 Publication Date: 04/11/1997	
		NZ 506,547 Publication Date: 07/26/2002 AU 765,229 Publication Date: 11/1/2001	
		International Search Report Appln. No. PCT/AU2005/000212 dated 12 May 2005	
		South Africa Patent No. No. ZA 200107431 A (WHEELER) 24 April 2002	

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SignatureDate
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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